

SCHEDULES

SCHEDULE 7

Section 82

EXPEDITED PUBLIC SPACES PROTECTION ORDERS

- 1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.
- 2 In the heading of Chapter 2 of Part 4, at the end insert “and expedited orders”.
- 3 In the italic heading before section 59, at the end insert “and expedited orders”.
- 4 In the heading of section 59 (power to make orders), before “orders” insert “public spaces protection”.
- 5 In the heading of section 60 (duration of orders), after “of” insert “public spaces protection”.
- 6 (1) Section 61 (variation and discharge of orders) is amended as follows.
 - (2) In subsection (1), in the words before paragraph (a), after “protection order” insert “or expedited order”.
 - (3) In subsection (2), for “make a variation under subsection (1)(a)” substitute “under subsection (1)(a) make a variation to a public spaces protection order”.
 - (4) After subsection (2) insert—

“(2A) A local authority may under subsection (1)(a) make a variation to an expedited order that results in the order applying to an area to which it did not previously apply only if the conditions in section 59A(2) to (4) are met as regards that area.”
 - (5) In subsection (3), after “59(5)” insert “or 59A(6) (as the case may be)”.
 - (6) In subsection (4), after “order” insert “or expedited order”.
- 7 (1) Section 62 (premises etc to which alcohol prohibition does not apply) is amended as follows.
 - (2) In subsection (1), in the words before paragraph (a), after “order” insert “or expedited order”.
 - (3) In subsection (2), in the words before paragraph (a), after “order” insert “or an expedited order”.
- 8 In section 63 (consumption of alcohol in breach of prohibition order), in subsection (1)—
 - (a) in paragraph (a), after “order” insert “or an expedited order”;
 - (b) in the words after paragraph (b) omit “public spaces protection”.
- 9 (1) Section 64 (orders restricting public right of way over highway) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1), in the words before paragraph (a), after “order” insert “or expedited order”.
- (3) After subsection (1) insert—
- “(1A) Before making a public spaces protection order that restricts the public right of way over a highway, a local authority must take the prior consultation steps (see subsection (2)).
- (1B) A local authority may not make an expedited order that restricts the public right of way over a highway unless it—
- (a) takes the prior consultation steps before making the order, or
- (b) takes the subsequent consultation steps (see subsection (2A)) as soon as reasonably practicable after making the order.”
- (4) In subsection (2), for the words from “Before” to “must” substitute “To take the “prior consultation steps” in relation to an order means to”.
- (5) After subsection (2) insert—
- “(2A) To take the “subsequent consultation steps” in relation to an expedited order means to—
- (a) notify potentially affected persons of the order,
- (b) invite those persons to make representations within a specified period about the terms and effects of the order,
- (c) inform those persons how they can see a copy of the order, and
- (d) consider any representations made.
- The definition of “potentially affected persons” in subsection (2) applies to this subsection as if the reference there to “the proposed order” were to “the order”.”
- (6) After subsection (3) insert—
- “(3B) Where a local authority proposes to make an expedited order restricting the public right of way over a highway that is also within the area of another local authority it must, if it thinks appropriate to do so, consult that other authority before, or as soon as reasonably practicable after, making the order.”
- (7) In subsections (4), (5), (6), (7) and (8), after “order” insert “or expedited order”.
- 10 In section 65 (categories of highway over which public right of way may not be restricted), in subsection (1), in the words before paragraph (a), after “order” insert “or an expedited order”.
- 11 (1) Section 66 (challenging validity of orders) is amended as follows.
- (2) In subsections (1) and (6), after “public spaces protection order”, in each place it occurs, insert “or an expedited order”.
- (3) In subsection (7), in the words before paragraph (a)—
- (a) after “order”, in the first place it occurs, insert “or an expedited order”;
- (b) for “a public spaces protection”, in the second place it occurs, substitute “such an”.
- 12 (1) Section 67 (offence of failing to comply with order) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsections (1) and (4), after “order”, in each place it occurs, insert “or an expedited order”.
- (3) In subsection (3), after “order” insert “or expedited order”.
- 13 (1) Section 68 (fixed penalty notices) is amended as follows.
- (2) In subsection (1), at the end insert “or an expedited order”.
- (3) In subsection (3), at the end insert “or expedited order”.
- 14 In section 70 (byelaws), after “protection order” insert “or an expedited order”.
- 15 (1) Section 71 (bodies other than local authorities with statutory functions in relation to land) is amended as follows.
- (2) In subsections (3) to (5), after “public spaces protection order”, in each place it occurs, insert “or an expedited order”.
- (3) In subsection (6)—
- (a) in paragraph (a), after “order” insert “or expedited order”;
- (b) in paragraph (b)(i), after “order” insert “, or an expedited order.”.
- 16 In the heading of section 72 (Convention rights, consultation, publicity and notification), at the beginning insert “Public spaces protection orders.”
- 17 (1) Section 74 (interpretation of Chapter 2 of Part 4) is amended as follows.
- (2) In subsection (1)—
- (a) at the appropriate places insert—
- ““16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;”;
- ““expedited order” has the meaning given by section 59A(1);”;
- ““Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;”;
- ““NHS body” has the meaning given in section 275 of the National Health Service Act 2006;”;
- ““school” has the meaning given by section 4 of the Education Act 1996.”;
- (b) for the definition of “restricted area” substitute—
- ““restricted area”—
- (a) in relation to a public spaces protection order, has the meaning given by section 59(4);
- (b) in relation to an expedited order, has the meaning given by section 59A(5).”
- (3) After subsection (2) insert—
- “(3) For the purposes of this Chapter, an expedited order “regulates” an activity if the activity is—
- (a) prohibited by virtue of section 59A(5)(a), or
- (b) subjected to requirements by virtue of section 59A(5)(b),
- whether or not for all persons and at all times.”